



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

ENVIRONMENTAL APPEALS BOARD

DEC 12 2007

Richard Ossias
Associate General Counsel
Air and Radiation Law Office
Ariel Rios Building, 2344A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Nelson Industrial Steam Company
Appeal Number: CAA 07-02

Dear Mr. Ossias:

A letter dated November 29, 2007, was addressed to you via EPA inter-office mail requesting a response to the petition for review in the above captioned. The due date and Federal Register instructions were in error. Please find enclosed a revised version of that letter now dated December 12, 2007. If you have any questions, please call me at 202-233-0110 or email at durr.eurika@epa.gov. Sorry for the inconvenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eurika Durr", is positioned above the typed name.

Eurika Durr
Clerk of the Board

Enclosure

cc: **Via First Class Mail**

Maureen N. Harbourt

Kyle B. Beall

Kean, Miller, Hawthorne, D'armond, McCowan & Jarman, L.L.P.

P.O. Box 3513

Baton Rouge, LA 70821

Via Inter-Office Mail

Samuel Napolitano, Director
Clean Air Market Division
Air and Radiation Division, 6204J
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460



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Re: Nelson Industrial Steam Company
Appeal Number: CAA 07-02

Dear Mr. Ossias:

Enclosed is a petition dated November 26, 2007, received by the Environmental Appeals Board (the "Board") on November 26, 2007, filed by Maureen N. Harbourt and Kyle B. Beall, Attorneys, Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman, LLP, on behalf of Nelson Industrial Steam Company, asking the Board to review a clean air Interstate Rule Applicability Determination that was made by Samuel Napolitano, Director of the Agency's Clean Air Market Division.

To assist the Board in deciding whether the matters raised by Petitioner should be reviewed, please have your staff prepare a response that addresses Petitioner's contentions and whether Petitioner has satisfied the requirements for obtaining review under 40 C.F.R. Part 78. Include relevant portions of the administrative record with your response. Please file an original (signed in blue ink) and two copies of these materials with the Board (at the address shown below) no later than January 29, 2008, with copies in accordance with 40 C.F.R. Section 78.4 (d).¹

¹The Environmental Appeals Board has an innovative system that allows parties to submit copies of documents, including exhibits, electronically in PDF. Instructions on registration and document submission, are available by using the "Electronic Submission" link on the Board's website. Please note that, at the present time, electronic submissions will not be considered a substitute for filing an original document with the Clerk of the Board. The Clerk of the Board still must actually receive the original document by the document's due date in order for it to be timely filed. However, Agency offices and private parties that use this system for submitting electronic copies will be excused from the requirement to submit multiple paper copies with their original filing.

Please note that all submissions, including the materials due by January 29, 2008, shall reference the appeal number assigned to this petition and are to be filed with the Environmental Appeals Board, see 40 C. F. R. Section 78.4 (d).

Mailing and Hand Delivery Instructions²

All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, via courier must include the name of the organization, address, facsimile number, telephone number, and an email address, if available.

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board, 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Hand Delivery Address

Documents that are **hand-carried** in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street NW, Suite 600

²The Environmental Protection Agency is experiencing delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at the Clerk of the Board or Frequently Asked Questions.

Washington, D.C. 20005

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

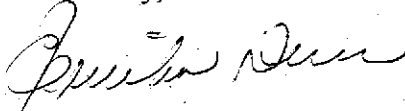
Filing Requirements

IMPORTANT: All documents, including the materials due January 29, 2008, must reference the appeal number. In addition, any envelope or other packaging containing documents sent to the address, as prescribed above, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and case identifier in the lower left hand corner.

In addition, please assure that the Agency publishes appropriate notice in the Federal Register of the filing of this petition in accordance with 40 C. F. R. Section 78.9. The Board will not consider this matter unless the prescribed publication has occurred. Please file a copy of the published notice with the Board as soon as possible after its publication.

Thank you for your attention to this matter.

Sincerely,



Eurika Durr
Clerk of the Board

Enclosure

cc: w/o encl: Maureen N. Harbourt
Kyle B. Beall
Kean, Miller, Hawthorne, D'armond, McCowan & Jarman, L.L.P.
P.O. Box 3513
Baton Rouge, LA 70821

w/encl: Samuel Napolitano, Director
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